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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------------|----------------------|------------------|
| 09/469,791 | 12/22/1999 | CHARLES ROBERT KALMANEK JR. | 2685/5248 | 5383 |
| 23838 | 7590 | 09/21/2004 | EXAMINER | |
| KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005 | | | JAGANNATHAN, MELANIE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2666 | |

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 09/469,791 | Applicant(s) KALMANEK ET AL. | |
| | Examiner Melanie Jagannathan | Art Unit 2666 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27, 30, 32-34, 38-40, 42-45, 48, 49, 51-62 and 65-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-27, 30, 32-34, 38-40, 42-45, 48, 49, 51-62 and 65-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 27 is objected to because of the following informalities: on line 3, "Currently Amended" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25-27, 30, 32-34, 38-40, 42-45, 48-49, 51-60, 62, 65-71, 73-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Shionozaki US 6,496,479.

Regarding claims 25-26, 30, 32, 38-39, 42, 55, 58-60, 63-65, 67, 68, 71, 74, 76-77, the claimed reserving, for a particular call, packet network resources of a first packet network according to its own reservation policy based on indication from calling party indicating a limit for resources and reserving packet network resources of a second packet network according to its own reservation policy based on indication from called party indicating a limit for resources is disclosed by receiving and sending terminals having a sender for sending a message specifying a direction for which resource reservation is to be performed. See column 2, lines 7-32. The claimed second packet network being coupled to first packet network and reservation policies being different is

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disclosed by use of RSVP for receiving side and ST-II protocol for sending side and sides coupled through IP backbone. See column 1, lines 24-29 and Figure 3.

Regarding claims 27,33,40,43, 45, 56, 61, 62,69,72, 73, the claimed access networks being television cable access networks is disclosed by type of applications used for resource reservation across networks is TV conference. See column 9, lines 22-32.

Regarding claims 32, 38, 42, 66, 77, 79, the amended limitation of reservation policy for the access packet network including capacity for transmit and receive directions of communication is reserved at same time (both directions) and capacity for backbone network reserved at different times (one direction) is disclosed by sending and receiving terminals coupled through IP backbone (Figures 3 and 9) can reserve resources uni-directionally and bi-directionally. See column 2, lines 7-32.

Regarding claims 34, 48,49, 77, 78, 80, the claimed reservation policy of first network that packets reserved on a per call basis and reservation policy for the second network reserved on a multiple call basis is disclosed by resource reservation for backbone network supports multicasting to end users. See Figure 9 and column 12, lines 54-67, column 13, lines 1-35.

Regarding claims 44,51-54,57,70,75, the claimed selecting a reservation policy from a plurality of reservation policies for a two-directional call where capacity is reserved for both directions and capacity in backbone is for only one direction of call is disclosed by sending and receiving terminals coupled through IP backbone (Figures 3 and 9) can reserve resources uni-directionally and bi-directionally. See column 2, lines 7-32.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 61, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shionozaki.

Shionozaki discloses all of the limitations of the claims except for reserving a constant-bit-rate channel in access network. Shionozaki discloses various types of applications such as TV conference, video on demand, multicast applications. See column 9, lines 22-32. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Shionozaki to include CBR data service in order to transmit uncompressed voice and video traffic. One of ordinary skill in the art would be motivated to do this in order to avoid variable delay and interruptions in the flow of data.

Response to Arguments

6. Applicant's arguments filed 6/28/2004 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues limitation of resources for both directions of communication may be reserved at same time within access network and in a backbone network are reserved at different times in response to separate indications from calling and called parties is not disclosed in reference Arango. Examiner agrees and submits reference Shionozaki which discloses resource setup for one direction or both directions according to indications by terminals.

Applicant argues Arango does not disclose resources reserved on a per-call basis in access network while in backbone network resources are reserved in a multiple call basis. Examiner agrees and submits reference Shionozaki where sending user can use multicast applications to end users across backbone network.


Applicant argues Arango does not disclose selecting one of a plurality of resource reservation policies, for example, the backbone network could have two policies for the two directions of communication. One policy is that those resources are reserved at the same time, another policy is they are reserved for one direction of communication carried out separately from reservation for other direction. Examiner agrees and submits Shionozaki where uni-directional and bi-directional resource reservation is disclosed based on setup messages from receiving and sending terminals.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3163.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANK DUONG
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MJ